PTO/SB/17 (10-03)
Approved for use through 7/31/2008. OMB 0651-0332
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless if disclosure and the Commerce.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number								
CEE TOANGMITTAL		Complete If Known						
FEE TRANSMITTAL			Application (turns)				09/719,889	
for FY 2004						February 21, 2001		
Effective 10/01/2003, Patent fees are subject to annual revision.		First	1 BOCT #55110 G 1151 F11101			Earl R. OWEN		
Emecuve Toronzous, Parent 1993 are subject to annual revision.	Examiner N			me		Billy D. Chism		
X Applicant claims small entity status. See 37 CFR 1.27		Art Un	Art Unit			1653		
TOTAL AMOUNT OF PAYMENT (\$) 439.00					). T	57712280	57712280000	
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continue					ntinued)	
Ghesk Cradit Money Other . None  X Depasit Account	3. ADDITIONAL FEES							
Deposit		e Entity		Entity				
Account 03-1952 Number	Fee Code	Fee (\$)-	Fec Code	Fee (\$)		Fee Desc	ription	Fee Paid
Doposit Account Morrison & Foerster LLP	105t	130	2051	65	-	- late filing fo	e or oath anal filing fee of cover	
Name The Director is authorized to: (check all that apply)	1052	50	2052	25	sheet	- ISUS PIOVICE	Alex raing 166 or cover	
X Charge fee(s) indicated below X Crodit any overpayments	1053	130	1053	130	-	sh specificatio	*	
X Chargo any additional fee(s) or any underpayment of fee(s)	1812	2,520	1812	2,520			ngilenimexeen shee	
Charge foo(s) indicated below, except for the filling fee	1804	920*	1804	920*	Examiner:	g publication o action g publication o		
to the above-identified doposit account.	1805	1,840*	1805	1,840*	Examiner	action		
FEE CALCULATION	1251	110	2251	55		for reply within		
1. BASIC FILING FEE	1252		2252	210			second month	} <del></del>
Largo Entity Small Entity Fee Fee Fee Fee <u>Fee Occurription</u> Fco Pald	1253		2253	475		for reply within		<del> </del>
Fee Fee Fee Fee Fee Description Fco Paid  Code (\$) Code (\$)	1254		2254	740			n fourth month	
1001 770 2001 38S Utility filing fee	1255		2255			for reply within	n lifth month	<b>-</b>
1002 340 2002 170 Design filing fea	1401		2401	165 165	Notice of A	efin support c	f an anneal	<del></del>
1003 530 2003 265 Plant filling fee	1402 1403		2403	145	_	or oral hearing	н ан эррсы	-
1004 770 2004 385 Reissue filing fee 1005 180 2005 80 Provisional filing fee	1451		1451	1.510			lic use proceeding	-
	1452		2452	55		revive - unav		
SUBTOTAL (1) (\$) 0.00	1453	1,330	2453	665	Petition to	revive - uninte	entional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1501	1,330	2501	665	Utility issue	e fee (or roissi	ne)	ļ
Extra Foo from Claims below Fee Paid	1502	480	2502	240	Design iss	ug fee		
Total Claims B x 9 = 54.00	1503	640	2503	320	Plant issue	toe		
Indopendent= x	1460	130	1460	130	Petitions to	o the Commiss	sioner	
Claims Multiple Dependent	1807	50	1807	50	Processing	g fee undor 37	CFR 1.17(q)	
Large Entity Small Entity	1806	150	1808	180			on Disclosum Stmt	
Fee Foe Foe Foe Foe Foe Gode (\$)	8021	· 40	8021	AD.	property (ti	imos number (	ssignment per of properties)	
1202 18 2202 9 Claims in excess of 20 1201 88 2201 43 Independent claims in excess of 3	1809	770	2809	385	(37 CFR 1	.129(a))	final rejection	
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each a examined	dditlanal inve (37CFR 1,129	ntion to be (b))	
1204 88 2204 43 *** Reissue independent daims over original patent	1801	770	2801	985	Request fo	or Continued E	xamination (RCE)	385.00
over original patent  1205 18 2205 9 "Reissue claims in excess of 20 and over original patent	180Z	Ot a needly abhyrogram						
SUBTOTAL (2) (\$) 54.00	Other fee (specify)  'Reduced by Basic Filing Fee Poid SUBTOTAL (3) (\$) 385.00							
**or number previously pald, if greater, For Relissues, see above								
SUBMITTED BY	$\sum_{i=1}^{n}$					(Complete	(if applicable))	
Name (Print/Type) Gregory P. Einhorn, Ph	Regis Lettorr	(ration Na ey/Agont	38	,440		Telephone	(858) 720-5133	}
Signature Date March 18, 2004								

PTO/SB/17 (10-03)

Approved for use through 7/31/2008. OMB 0551-0032 U.S. Patent and Tradomark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number, Complete if Known FEE TRANSMITTAL Application Number 09/719,889 February 21, 2001 for FY 2004 Filing Date First Named Inventor Earl R. OWEN Effective 10/01/2003, Patent fees are subject to annual revision Examiner Name Billy D. Chism Applicant claims small entity status. See 37 CFR 1,27 1653 Art Unit TOTAL AMOUNT OF PAYMENT 439.00 Attorney Docket No. 57712280000 METHOD OF PAYMENT (check all that apply) FEE CALCULATION (continued) Credit Check 3. ADDITIONAL FEES x | Large Entity Small Entity 03-1952 Fee Fee Description Code (\$) Code (S) Fee Pald 1051 130 2051 65 Surcharge - late filing fee or path Morrison & Foerster LLP Surcharge - late provisional filing tee or cove 1052 2052 25 50 The Director is authorized to: (check all that apply) X Charge fee(s) indicated below X Credit any overpayments 1053 1053 130 Non-English specification 2,520 For filing a request for ex parte reexamination Charge any additional fee(s) or any underpayment of fee(s) 1812 2.520 1812 Requesting publication of SIR prior to 1804 920\* 1804 9201 Charge (ee(s) indicated below, except for the filling fee to the above-identified deposit account. Requesting publication of SIR after 1,840 1805 1805 1,840 FEE CALCULATION 1251 110 2251 Extension for reply within first month 1. BASIC FILING FEE 1252 420 2252 210 Extension for reply within second month Large Entity Small Entity 1253 950 2253 475 Extension for reply within third month Fee Fee Description Fee Paid 1,480 1254 2254 740 Extension for reply within fourth month (\$) 1001 770 2001 385 Utility filing fee 1255 2255 1,005 Extension for reply within fifth month 1002 2002 170 340 Design filing fee 1401 330 2401 165 Notice of Appeal 1003 530 2003 285 Plant filing fee 1402 330 2402 165 Filling a brief in support of an appeal 770 2004 385 1004 Reissue filing fec 1403 290 2403 145 Request for oral hearing 1005 2005 Provisional filing fee 1451 1,510 1451 1,510 Petition to institute a public use proceeding 1452 110 2452 55 Petition to revive - unavoidable SUBTOTAL (1) (\$) 0.00 1453 1,330 2453 665 Petition to revive - unintentional 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE 1501 1,330 2501 Utility issue fee (or reissue) 1502 480 2502 Design issue fee Feo Paid below Glaima 1503 640 2503 Independent Claims 1460 130 1460 Petitions to the Commissioner 130 1807 1807 50 Processing fee under 37 CFR 1.17(q) Multiple Dependent 1808 180 1806 180 Submission of Information Disclosure Stmt Large Entity Small Entity

8021

1809

1810

1801

1802

Registrati

54.00

40

770

770

770

900

Other fee (specify)

8021

2809

2810

2801

1802

\*Reduced by Basic Filing Fee Paid

900

ion No. Agent)	38, <del>44</del> 0	Telephone	(858) 720-5133
		Date	March 18, 2004
			,

Recording each patent assignment per

property (times number of properties) Filing a submission after final rejection (37 CFR 1.129(a))

For each additional invention to be

Request for expedited examination

Request for Continued Examination (RCE)

SUBTOTAL (3) (\$)

(Complete (if applicable))

385.00

385.00

examined (37CFR 1.129(b))

of a design application

Duplicate Copy For Fee Processing

Code (\$)

1202 18 220Z

1201

1203

1204

1205

290

86 2204

18

Name (Print/Type) Signature

Codo (\$)

88 2201

2203

43

Fee Description

Claims in excess of 20

43 Independent claims in excess of 3.

\*\* Reissue Independent claims

and over original patent

over original patent

SUBTOTAL (2) (S)

Gregory P. Einhorn, Ph

\*\*or number previously paid, if greater, For Relssues, see above

Multiple dependent claim, if not poid

Reissue claims in excess of 20

Atty Docket No.: 57712-20001.10/12724-002001/30347USP00

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

HECEIVED CENTRAL FAX CENTER

Applicant: Owen et al.

Art Unit : 1653

MAR 2 2 2004

Serial No.: 09/719,889

Examiner: Billy D. Chism

Filed Title

February 21, 2001

: METHOD OF TISSUE REPAIR II

M/S RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## <u>AMENDMENT</u>

Applicants respectfully request entry of the amendment and consideration of the remarks set forth herein. A final Office Action on the merits mailed January 2, 2004. A response is due April 02, 2004. Accordingly, this Response is timely filed.

This response is accompanied by a request for continued examination (RCE) under 37 C.F.R. §1.114. Thus, the finality of the outstanding office action will be withdrawn and Applicants are entitled to have this first submission for this RCE entered and considered on the merits.

Applicants respectfully request the Examiner examine new claims 57 to 65. Amendment to the claims are reflected in the listing of claims which begin on page 2 of this paper.

Remarks begin on page 10 of this paper.

The following documents are also enclosed herewith:

- Fee Transmittal letter (plus 1 copy for processing);
- Request for continued examination transmittal (RCE) under 37 C.F.R. §1.114;

## CERTIFICATE OF MAILING BY FACSIMILE

I hereby certify this correspondence is being deposited with the United States Postal Service via facsimile 703 872-9306 on the date indicated below

March 18, 2004

Date of Deposit

Signature

Jeanne Amour

Typed or Printed Name of Person Signing Certificate Jeanne Amoun